

JUL 15 1996

EXPRESS MAIL
RETURN RECEIPT REQUESTED

Robert J. Davenport, Executive Director
Passaic Valley Sewerage Commission
600 Wilson Avenue
Newark, New Jersey 07105

Re: Request for Information Under 42 U.S.C. §9601 et seq.
Diamond Alkali Superfund Site, Operable Unit 2

Dear Mr. Davenport:

The United States Environmental Protection Agency ("EPA") is investigating the presence of hazardous substances in the sediments of the Passaic River. EPA is charged with responding to the release and/or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9601 et seq.

In this "Request for Information," EPA requests information concerning the nature and quantity of certain materials (hazardous substances and hazardous waste, as those terms are defined at Section 101(14) of CERCLA, 42 U.S.C. §9601(14), and Section 1004 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6903 respectively) which may have been generated, treated, stored, or disposed of in the Passaic River Study Area of the Diamond Alkali Superfund Site in Newark, New Jersey. EPA makes its request pursuant to Section 104 of CERCLA, 42 U.S.C. §9604.

Pursuant to these statutory provisions, EPA hereby requires that you provide the information requested in Attachment A of this letter, as well as documents supporting your responses, and include the "Certification of Answers to Request for Information," with your notarized signature.

In preparing your response to this "Request for Information," please follow the instructions provided in Attachment B.

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Your response to this "Request for Information" should be postmarked or received by EPA within thirty (30) calendar days of your receipt of this letter. Your response should be mailed to:

Mr. Lance R. Richman, P.G.
Emergency and Remedial Response Division
U.S. Environmental Protection Agency
26 Federal Plaza, Room 13-100
New York, New York 10278

with a copy to Ms. Patricia C. Hick, Assistant Regional Counsel, Office of Regional Counsel, Room 310 at the same address.

Your failure to respond to this "Request for Information" within the time specified above may subject you to an enforcement action under Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5), and/or Section 3008 of RCRA, 42 U.S.C. §6928. An enforcement action may include the assessment of penalties of up to \$25,000 for each day of continued noncompliance.

Be advised that you are under a continuing obligation to supplement your response if information not known or not available to you as of the date of submission of your response should later become known or available. If at any time in the future you obtain or become aware of additional information and/or find that any portion of the submitted information is false, misleading or misrepresents the truth, you must promptly notify EPA. If any part of your response is found to be untrue, you may be subject to criminal prosecution.

If desired, you may assert a business confidentiality claim covering all or part of the information requested by this letter. The claim must be supported by each of the four factors specified in Section 104(e)(7)(E) of CERCLA, 42 U.S.C. §9604(e)(7)(E), and must be asserted at the time of submission, by placing on (or attaching to) the information a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "company confidential." Information covered by such a claim will be disclosed by EPA only to the extent and by means of procedures set forth in Title 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

If you have any questions concerning this "Request for Information," please contact Mr. Richman, of my staff, at (212) 264-6695 or Ms. Hick at (212) 264-2642. Inquiries from attorneys should be directed to Ms. Hick. Your cooperation is appreciated.

Sincerely yours,

Kathleen C. Callahan, Director
Emergency and Remedial Response Division

Enclosures

bcc: P. Hick, ORC-SUP

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company's response thereto should become known or available to the company.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this
day of _____, 19____

Notary Public

ATTACHMENT A

REQUEST FOR INFORMATION

Background

The United States Environmental Protection Agency ("EPA") is investigating the disposal of hazardous wastes into the Passaic River. EPA believes that the Passaic Valley Sewerage Commission ("PVSC") has information regarding direct or indirect release, discharge or disposal of wastes from industrial facilities into the Passaic River.

Please provide the information requested below, including copies of all available documentation, that supports your answers.

1. In what year did PVSC begin operations? Please provide information on PVSC's creation, organization, and its area of authority.

2. In what year did PVSC begin keeping records of industrial releases, disposal or discharges into the Passaic River? What initiated creation of a record relating to a release, disposal or discharge event (i.e., citizen complaint, discovery by PVSC investigators, regular inspections, etc.)?

3. a. Do you have information on releases, disposal or discharges of hazardous substances into the Passaic River, either directly or indirectly (through, for instance, possible combined sewer overflows) from the following industrial facilities in Newark, Kearny, Belleville or Harrison:

	<u>Yes</u>	<u>No</u>
1. Active Oil Company, 374 Main Street, Belleville	—	—
2. Adco Chemical, 148-154 Rome Street, Newark	—	—
3. Alcan Aluminum, Jacobus Avenue, Kearny	—	—
4. Alden Leeds, Inc., 2145 McCarter Highway, Newark	—	—
5. Alliance Chemical, 33 Avenue P, Newark	—	—
6. Arkansas Chemical, Foundry St., Newark	—	—
7. Ashland Chemical, Foundry St. or Doremus Ave., Newark	—	—
8. Associated Autobody & Truck, Raymond Blvd, Newark	—	—
9. Astron Corp., East Newark	—	—
10. Aszo Steel Company, Harrison	—	—
11. Atlas Refinery, 142 Lockwood St., Newark	—	—
12. Automatic Electro-Plating, Newark	—	—
13. Avon Drum Co., Newark	—	—
14. B-Line Trucking, Inc., 67 Esther St., Newark	—	—
15. Barth Smelting & Refining, 99 Chapel St., Newark	—	—
16. BASF Wyandotte Corp, 50 Central Ave., Kearny	—	—
17. Benjamin Moore & Co., 134 Lister Avenue, Newark	—	—
18. Berg Chemical, Newark	—	—
19. CWC Industries Inc., Newark	—	—
20. Cellomar Corp., 46 Albert Ave., Newark	—	—
21. Chemical Compounds, 29-75 Riverside Ave., Newark	—	—
22. Conus Chemical, Newark	—	—

	<u>Yes</u>	<u>No</u>
23. Coronet Chemical Co., Newark	—	—
24. Crucible Steel, Harrison	—	—
25. Dovon Chemical Corp., 441 Riverside Ave., Newark	—	—
26. DuPont, Doremus Avenue, Newark	—	—
27. Elan Chemical Co., Inc., 268 Doremus Avenue, Newark	—	—
28. Essex Chemical, 330 Doremus Ave., Newark	—	—
29. Fairmount Chemical Co., 117 Blanchard Street, Newark	—	—
30. Flexon Industries Corp., Washington Ave., Belleville	—	—
31. Gabest Company, 1000 S. Fourth St., Harrison	—	—
32. General Lead Batteries Co., Chapel & Lister, Newark	—	—
33. Grignard Chemical, Newark	—	—
34. A. Gross & Company, 652 Doremus Ave., Newark	—	—
35. Charles F. Guyon Co., Harrison	—	—
36. Honig Chemical, Newark	—	—
37. Hummel Croton, Chem., Foundry Street Complex, Newark	—	—
38. Miele Brothers Trucking, Newark	—	—
39. Monsanto Company, Pennsylvania Avenue, Kearny	—	—
40. PPG Industries, Inc., Newark	—	—
41. Pittsburgh Consolidated Coal, Doremus Ave., Newark	—	—
42. Plextone Corporation of America, Newark	—	—
43. Prince Packaging Company, Harrison	—	—
44. Reichhold Chemicals, Inc., 46 Albert Ave., Newark	—	—
45. Reilly Tar & Chemical, Doremus Ave., Newark	—	—
46. Reliable Steel Drum Company, 33 Avenue P, Newark	—	—
47. Revere Smelting & Refining, 383 Avenue P, Newark	—	—
48. Rose Ribbon and Carbon Manufacturing, Harrison	—	—
49. Sergeant Chemical Co., Lister Avenue, Newark	—	—
50. Sherwin-Williams, Brown & Lister Avenue, Newark	—	—
51. Sun Chemical Corp., Newark	—	—
52. Joseph Supor & Sons Trucking, Harrison	—	—
53. Synfax Manufacturing, 681 Main Street, Belleville	—	—
54. Thomasett Color Company, 120 Lister Avenue, Newark	—	—
55. Tower Manufacturing Company, 85 Doremus Ave., Newark	—	—
56. Walter Kidde & Company, 675 Main Street, Belleville	—	—
57. Witco-Humko Chemical Div., 652 Doremus Ave., Newark	—	—
58. Woburn Degreasing, 1200 Harrison Avenue, Kearny	—	—
59. U.S. Industrial Chemicals, 300 Doremus Avenue, Newark	—	—
60. Universal International Industries, Newark	—	—
61. Vulcan Material Company, 600 Doremus Avenue, Newark	—	—

b. If you answered "yes" to any of the questions in 3.a above, please provide all documents relating to the release, disposal or discharge event or events.

4. If you have information on any release, disposal or discharge events for companies listed in 3.a at locations other than those specified in the Question, please provide that information.

5. Do you have information on release, discharge or disposal of hazardous substances into the Passaic River, either directly or indirectly through possible combined sewer overflows, by any other company than those listed in Question 3.a? If so, please provide documents relating to those events.

5. Do you have information on release, discharge or disposal of hazardous substances into the Passaic River, either directly or indirectly through possible combined sewer overflows, by any other company than those listed in Question 3.a? If so, please provide documents relating to those events.

6. Please provide all other documents pertaining to the results of any analyses of the discharge stream, surface water, ambient air or any other environmental media related to the events identified in response to Questions 3, 4 and 5.

7. Please provide the names of any parties at the company or facility with whom PVSC had any communication regarding the events identified in Questions 3, 4 and 5.

8. Provide the name, address, telephone number, title and occupation of the person(s) answering this "Request for Information" and state whether such person(s) has personal knowledge of the responses. In addition, identify each person who assisted in any way in responding to the "Request for Information" and specify the question to which each person assisted in responding.

ATTACHMENT B

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A complete separate response must be made to each individual question in this "Request for Information".
2. Precede each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all current or former employees and agents of your company who may be familiar with the matter to which the question pertains, as well as all documents in the custody of or under the control of PVSC.
4. Interpret "and" as well as "or" to include within the scope of the question as much information as possible. If two interpretations of a question are possible, use the one that provides more information.
5. If you are unable to give a detailed and complete answer or to provide any of the information or documents requested, indicate the reasons for your inability to do so.
6. If you have reason to believe that an individual other than one employed by your company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number and the reasons for your belief.
7. For each document produced in response to this "Request for Information", indicate on the document, or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this "Request for Information", state the reason for, and the subject matter of, the deletion.
9. Provide all documents that relate to each question. If a document is requested but is not available, state the reason for its unavailability. In addition, to the best of your ability, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. As used herein "relate to" or "relating to" means constituting, defining, containing, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to. "Document" as used herein means any recording of information in tangible form, including memoranda, handwritten notes, invoices, checks, manifests, tape recordings, computer databases, or any tangible or physical objects however produced or reproduced upon which words or other information are affixed or recorded or from which by appropriate transcription written matter or a tangible thing may be produced.

11. Whenever in this "Request for Information" there is a request to identify a person or an entity other than a person, state the person or entity's full name, last known employment, present or last known home address, and telephone number.

12. As used herein, the term "facility," "hazardous substance," "person," and "release" shall have the meaning set forth in Section 101(9), (14), (21) and (22) of CERCLA, 42 U.S.C. §9601(9), (14), (21), and (22), respectively.

13. In answering these questions, every source of information to which you have access should be consulted, regardless of whether the source is in your immediate possession or control. All documents or other information in your possession or in the possession of the PVSC should be consulted. If you do not have access to certain information and/or documents, state the nature of this information and/or documents, and indicate in whose possession they can be found.